

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6328**

**BILL NUMBER: HB 1855**

**DATE PREPARED:** April 30, 2001

**BILL AMENDED:** April 29, 2001

**SUBJECT:** Murder and Reckless Homicide.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It enhances the penalty for battery to a Class A felony when it results in death and is committed by a person at least 18 years of age against a person who is less than 14 years of age. (B) It provides that consent to adoption is not required if the parent is incarcerated for battery as a Class A felony or Class B felony. It provides that if a parent, guardian, or custodian of a child has a conviction for Class A felony battery that the court in a child in need of services proceeding is not required to make reasonable efforts to reunify the child with family. (C) It allows a warrantless arrest if a law enforcement officer has probable cause to believe a person committed a Class A felony battery. (D) It includes a Class A felony battery as a serious violent felony. (E) It adds a provision that states that a conviction for a Class A felony battery allows the court to suspend only that part of the sentence that exceeds the minimum.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** (Revised) Provision A: Under current law, when a death occurs because of battery, the offense is generally only chargeable as a Class C felony for reckless homicide (IC 35-42-1-5). As a result, state expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class C felony is punishable by a prison term ranging from two to eight years, depending upon mitigating and aggravating circumstances. A Class A felony is punishable by a prison term of 20 to 50 years.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for Class C felony offenders is two years and eight years for all Class A felons.

Provision B could save the state administrative dollars by reducing the time needed to place a child for adoption.

Provision D would allow a person older than 18 who is convicted of causing death to a person less than 14 years of age by battery to be classified as a serious violent felon. Serious violent felons may not possess a firearm. If they are convicted a firearm possession, they may be prosecuted for a Class B felony.

Provision E would require a person older than 18 who is convicted of causing death to a person younger than 14 by battery to be given a minimum sentence of 20 years in prison. The person may be released earlier than 20 years depending on the person's conduct and whether the person earns credit time by completing addiction programs or earning educational certificates or diplomas.

**Explanation of State Revenues:** (Revised) No change would likely occur in state revenue as a result of the enhanced penalties since criminal fines and court fees are the same for Class A and C felonies.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** (Revised) No additional revenues would be expected as a result of the enhanced penalties since the court fees are the same for Class A and C felonies.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.